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ABSTRACT

These classroom materials are part of the Project Benchmark series designed to teach secondary students about our legal concepts and systems. This unit focuses on juvenile rights and responsibilities under the law. The materials outline juvenile rights and responsibilities in the areas of parental control, education, free expression, search and seizure, marriage, work, legal contracts, torts and liability, automobile law, criminal law, and drug and alcohol law. The second section briefly outlines the jurisdiction and procedures of juvenile court. Suggestions are included for a sample lesson requiring students to play roles of a juvenile bill-of-rights convention in which eight freedoms are determined. (DE)

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Juvenile Rights

PARENTS AND CHILDREN

IF YOU HAD LIVED IN BABYLONIAN DAYS--about 5,000 years ago--you would have been very careful about what you said and did to your father. Babylonian law gave him complete control over you until you married. He could make you go to work and keep your earnings. He could even sell you as a slave.

Among the Hittites, another very ancient people, a father might disinherit his son for repeated offenses. And the son could be banished from the family home. When this happened, his mother would put his clothing outside the door to tell other people of his punishment.

The Romans, who followed these early peoples by many centuries, were less kindly. The Roman father was in charge. If his family displeased him, he had a right to whack off their heads--wives, children, and slaves. They were all his property, and he could do what he wanted with them.

RIGHT TO OBEDIENCE

FORTUNATELY CHILDREN'S RIGHTS have made a great deal of progress since early times. No modern parent has the power of life or death over his child. But California law gives parents the right to control their children. This means that a child must obey the "reasonable and proper" orders of his parents. (Welfare & Institutions Code section 601).

If no other means of discipline will help, a parent has the right to punish his child physically. But the punishment must be reasonable. For example, if 6-year-old Cindy Tate refuses to brush her teeth, her father may spank her. But Mr. Tate would abuse his right to punish if he deliberately broke Cindy's arm. Or locked Cindy in a closet for three days. Mr. Tate may discipline his daughter,

but he may not seriously hurt her in the process. His right to punish is limited. In fact, criminal charges could be brought against Mr. Tate if he physically abused Cindy. (Civil Code 203; Penal Code 273a, 273d).

SUPPORT AND EDUCATION

YOUR PARENTS ALSO DECIDE where the family will live. But once a home is established, your parents face important responsibilities. They must support you--provide you with adequate food and clothing. And they must educate you to the best of their ability. However, the law does not say your parents must pay for your college education. (Civil Code 196; Penal Code 270).

A parent's responsibility to support his child doesn't necessarily end when the child becomes an adult. California law says that a parent must provide for an adult child if the child can't take care of himself. For example, the adult child might be mentally retarded, physically handicapped, or chronically ill. (Civil Code 206, 242).

On the other hand, the law also demands that an adult child support his parents, when the need exists. Adam is 28-years-old and receives a good salary. Enough to provide himself with a few luxuries and still maintain a large savings account. His elderly mother, on the other hand, receives only social security payments. But since she has this money, Adam feels he does not have to contribute to her support.

Yet Adam may be legally responsible for helping his mother. This doesn't mean that he must go broke to support her. What are the standards of living of both Adam and his mother? How much can and does Adam earn? How much does his mother need? Does Adam have other family responsibilities? All these are questions a court would consider in deciding how much, if anything, Adam must pay to his mother. (Civil Code 206, 242).

While a child is still a minor, however, a parent has an absolute right to any money the child makes. Suppose Adam were under 18 and worked for a few hours a week after school. His mother would then have a right to his earnings, the law says, because she supports him. But she could let Adam keep the money he made. It's up to her. (Civil Code 197).

EMANCIPATION

YOUR PARENTS' AUTHORITY OVER YOU ENDS when you reach 18. This end of parental authority is called emancipation. But you may also be emancipated while under 18--for example, if you marry. Or if you join the armed forces. (Civil Code 204).

You may also be emancipated if your parents voluntarily give up their authority over you. This emancipation may be conditional or absolute, partial or

complete. Basically it means that your parents no longer have any right to your earnings, if you are living on your own and working. But they don't have to help support you, either--unless, perhaps, you become ill and unable to work. (Civil Code 211).

You may also be released from your own parents' control if your parents abuse their authority. Johnny is 9. He has problems with both his parents and his teachers. But this isn't surprising, considering his home. His father is a trucker, on the road most of the time. And Johnny's mother is often away when he returns from school. Sometimes she doesn't appear by dinner time, and then Johnny makes himself a sandwich and drinks some milk and goes to bed. Once in awhile she isn't there for breakfast, either. When his father does come in off the road, there usually are a lot of arguments.

One afternoon after school Johnny got to playing with some older children and didn't go straight home. The children explored what they thought was an abandoned shed. One of them lighted a match. The match accidentally dropped into an open can of paint and started a fire. There wasn't much damage, but the police took Johnny to juvenile hall. They called his mother. There was an investigation--and as a result, Johnny was made a dependent child of the court. He was placed in a foster home until his parents could straighten out their lives and provide an adequate home for him. (Welfare & Institutions Code 600).

Couldn't Johnny's parents have objected to having their son taken away, even temporarily? Yes, they could have. But their objections wouldn't have done much good. Although the rights of parents are broad, they do have limits. Johnny's parents were not taking proper care of him. He was in danger of drifting into trouble that could have led to delinquency. Because his parents were not caring for Johnny properly, the court removed the boy from his parents' control and appointed someone else to look after him.

EDUCATION

WHEN YOU ARE OLD ENOUGH TO GO TO SCHOOL, you come under the authority of your teachers, as well as your parents. California law requires everyone between the ages of 6 and 16 to go to school--unless you are sick or suspended or expelled. Anyone between the ages of 16 and 18 must attend, too, unless you have already graduated from high school. Or unless you have special permission not to go--for example, if you must work to help support your family. But if you are working, you must still attend part-time or continuation classes. (Education Code 12101, 12551).

TRUANCY

SYBIL JENKINS WAS A HIGH SCHOOL STUDENT who was more interested in taking long walks during school hours than in attending classes. When she was absent without excuse for four days during a particularly sunny month, she became a truant. Under California law, a truant is a student who is late or absent without excuse for three days during the school year.

Suppose Sybil had been caught taking a walk through the park. She might then have been arrested and taken back to school, or turned over to her parents. And if she became a habitual truant--if she were reported truant three or more times--she might have been referred to the school attendance review board and later to the juvenile court. (Education Code 12401-12403, 12405, 12406; Welfare and Institutions Code 601 and 700).

DISCIPLINE

DO YOU HAVE TO OBEY YOUR TEACHERS while you are in school? Yes, because the school is legally acting in place of your parents. This means that you must accept discipline both at home and at school.

The law says that students must obey their teachers; so a teacher has the right to punish someone who refuses to follow his instructions. The law allows physical punishment, if it is reasonable and necessary and doesn't injure the student. A teacher may also keep someone after school or give him extra work. And if a student is unusually or consistently disobedient, the teacher may send him to the vice-principal or another school official for punishment. Some school districts in California do not permit physical punishment of students. You should check with your teacher or principal to find out what the rule is in your district. (Education Code 10601, 10854).

Sometimes school authorities feel that a student's actions are serious enough to suspend or expel him from school. What's the difference between the two? Suspension means that you aren't allowed to come to school for a certain period of time--a few days or a week. If you're expelled, you can't come back to school at all.

The school's power to suspend a student is limited. It is to be used only when all other means of correction fail. On January 22, 1975, the United States Supreme Court ruled in *Goss v. Lopez* that public high school students are entitled to present their case at an informal hearing before they can be suspended. By

California statute, if a student is suspended for three days or longer, the school must request a conference with his parents. But the student must go back to school when the suspension ends, whether or not the school-parent conference is held. (Education Code 10601, 10601.5, 10601.6, 10607, 10607.5).

If suspension doesn't improve the student's behavior, the Board of Education may expel him from attendance at any of the schools in the district. The student and his parents are entitled to appeal any expulsion to the County Board of Education. Even though a student is expelled, however, he still must get an education. The parent must find an alternative school or district and enroll the child. Alternatives may include private schools, another school district, or use of a tutor. (Education Code 10604.3, 12101-12103, 13154, 12155).

The reasons for suspension or expulsion include:

1. *Deliberately disobeying a teacher or school rule;*
2. *Using bad language or being vulgar;*
3. *Smoking, except where authorized by the school district;*
4. *Using, selling or having narcotics, marijuana, or alcohol at or near school;*
5. *Forming a secret club;*
6. *Damaging or destroying school property on purpose;*
7. *Wilful misconduct leading to the injury or death of a student or school employee; and*
8. *Assaulting another person.* (Education Code 10602-10606).

School Records

AS A STUDENT, YOU HAVE THE RIGHT to have your school records remain private. California law says your school may not show your records to anyone, unless the court orders it or unless the person is:

1. *Your parent or guardian;*
2. *A police officer;*
3. *A probation officer;*
4. *A parole officer;*
5. *A school officer or employee; or*
6. *An employee of a county agency, which offers protective services to children, who is investigating your situation.*

The 1974 Legislature passed several bills outlining procedures for questioning or removing information in a student's file. The procedures are:

--*If a student's written school record contains information on any disciplinary action taken against him, the student's parent or guardian can include in this record a statement concerning the discipline.* (Education Code 10756).

--*A parent can ask the school district superintendent to remove information from his child's school record if the parent thinks the information is: 1) inaccurate; 2) an unsubstantiated personal conclusion; 3) a conclusion the observer wasn't competent to make; or 4) not based on the personal observation of a named person with the time and place of the observation noted.*

Within thirty days after the superintendent receives this request, he has to meet with the parent and the employee who supplied the information, if any. The superintendent will order the information removed from the file if he agrees with the parent. If he allows the material to remain, however, the parent can appeal this decision to the school district's governing board.

The governing board must then meet in closed session with the parent and the employee who recorded the information, if any. The board may order the information removed from the student's file--or it may allow the information to remain. The board's decision is final.

However, if the parent disagrees with the board's decision, he can submit a statement of his objections to the information. This statement will be included in the student's school record. (Education Code 10760).

If you are 18 or older, you may inspect your own records. And you may also do so if you are under 18, provided you have your parents' written permission. Your school is free at all times, however, to give an employer or potential employer your age and scholastic record. (Education Code 10751).

FREE EXPRESSION

ONE CONCERN OF STUDENTS TODAY is their right to freedom of speech and assembly. The law says that students may express themselves freely. This means that they may use school bulletin boards. They may distribute printed material or petitions at school. And they may wear buttons, badges, or other insignia.

The right to freedom of expression is subject to certain limitations, however. Students may not distribute or display materials that are obscene, libelous, or slanderous. Nor may they incite other students to break laws or school regulations. And they may not disrupt school routines or procedures.

The governing board of each school district is responsible for forming rules to regulate the exercise of free expression. The board must specify the time, place and manner for conducting free speech and assembly activities. (Education Code 10611).

SEARCH AND SEIZURE

STUDENTS TODAY ARE ALSO CONCERNED ABOUT their right to privacy--especially while on school grounds. Do search and seizure rules apply to minors then? For example, does a school administrator have to get a warrant in order to search a student's locker?

Mr. Glimmer, assistant principal, heard from another student that Lucy Smith had some pot in her locker. He opened the locker door with a master key. Sure enough--grass. Mr. Glimmer told Lucy to come to his office. They talked for half an hour, and Lucy admitted the grass was hers. Mr. Glimmer suspended her. Later after a hearing, the juvenile court made her its ward. Lucy's parents got an attorney who appealed the case. "The search of her locker was a violation of her Fourth Amendment right against unreasonable search and seizure," he said. "If she had been an adult, the authorities would have had to have had a search warrant. Since there was none, the search was illegal."

Lucy lost. "It's true that the search mightn't have been good against an adult," the court said. "But school authorities have special powers. They act in place of parents while the young person is in school. They have more authority than police to control students. So what Mr. Glimmer did was all right." [*In re Donaldson*, 269 C.A.2d 509 (1969)].

Let's look at another example. Susan Mason, an American history teacher, noticed that during her class Tommy Tucker seemed to be high on something. Ms. Mason decided she must do something. So she took Tommy to another room and noticed a bulge in his jacket pocket. She had a very good idea what was there. She took a small can from his pocket and looked inside. Grass.

Following her report to the principal, Tommy was taken to a juvenile court probation officer. Later the juvenile court judge heard Tommy's case and decided to make him a ward. What would have happened if a policeman had stopped Tommy on the street and reached inside his pocket? This would have been a case of illegal search and seizure. But here the school was acting for Tommy's parents--in their place, the law says. And Ms. Mason had a duty to investigate. She would have been in violation herself if she had ignored the situation. So her search of Tommy's pocket was proper, and he remained a ward of the court. [*In re Thomas G.*, 11 C.A.3d 1193 (1970); *In re Fred C.*, 26 C.A.3d 320 (1972)].

MARRIAGE

IN SOME EASTERN COUNTRIES, it is--or used to be--the custom for parents to have their children married in infancy. Although such arranged marriages might be recognized abroad, they certainly would not be legal in this country. No one would argue that a child of five knows what marriage is, or that such a child could consent to it.

Age of Consent

HOW OLD MUST A CHILD BE to know enough to get married? Wisely, the law doesn't try to pinpoint a definite age. Some people mature physically, emotionally and intellectually much earlier than others. So California law says that until you are 18, your parents have a voice in making this very important decision. After that, the lawmakers feel most people should be able to decide for themselves when to marry. (Civil Code 4101, 4102).

So if Mary and Joe are 18 or older, and if they can pass the required blood test, they don't need anyone's permission to become husband and wife. But if Mary is under 18, she must have the consent of her parents and the consent of the Superior Court. The same is true for Joe if he is under 18. The usual way to get the Superior Court's consent is to go to the Probation Department. A probation officer will contact the judge or referee who will decide if Mary and Joe may marry. In some cases the court may require the young couple to get pre-marital counseling before it will give its permission. Some couples under 18 think that if the girl is pregnant, the authorities must allow them to marry. This is not true. Pregnancy alone is not usually reason enough for the court to consent.

Annulment

SOMETIMES PEOPLE UNDER 18 LIE ABOUT THEIR AGES. They get licenses and get married without anyone's consent. Later the couple or their parents may ask the court to annul or call off the marriage. But suppose an underaged couple marries without the proper consent and keeps on living together after both are 18. Then they and their parents give up the right to have the marriage annulled. (Civil Code 4425(a), 4426(a)).

For example, Joan married Andy when she was 17. She had said on the license application that she was 19. Joan's mother, who lived in another state, didn't find out about the marriage for six months. When Mother met Andy, she didn't like him. She stayed two days and went home.

Two years later when Joan was almost 20, her mother came again and stayed longer. She and Andy quarreled bitterly. Mother developed a violent hatred for the man. Her daughter, she felt, was married to a monster. But she would save her! So Mother filed an annulment suit on Joan's behalf, saying that her daughter was under 18 when she married and that she didn't have the proper consent.

The court refused to grant the annulment. It is true that Mother or Joan herself might have brought the suit before she turned 18. But, the court pointed out, Joan continued living with Andy after her 18th birthday, "freely. . .as husband and wife."

Of course, Joan could file suit for divorce--or dissolution, as it is now called in California. But she would have to do that for herself. Her mother could no longer legally interfere with her marriage.

Common Law Marriage

THERE ARE NO COMMON LAW MARRIAGES IN CALIFORNIA. Two people who live together do not become legally husband and wife by the fact of living together, no matter how long the relationship continues. There must be a marriage ceremony if there is to be a legal marriage. And without a legal marriage, children are not legitimate, and whatever property the couple may accumulate is not community property. Some states do allow common law marriages. These marriages arise out of an informal agreement between the parties to be man and wife, followed by an extended period of living together. But there is no law allowing such marriages in California. (Civil Code 4100, 4213).

WORK

YOU'RE 17 AND YOU WANT TO WORK THIS SUMMER. You've even got a job lined up in a local warehouse, helping keep track of inventory. What about a work permit? Do you need one? Where and how do you get one?

Everyone under 18 must have a work permit for most kinds of jobs. There are a few exceptions. You don't need a permit if you work for your parents, or if you do odd jobs such as delivering newspapers or mowing lawns. Nor do you need a permit to babysit. (Education Code 12782, 12785; Labor Code 1394(b)).

Part-Time Work

YOU CAN'T GET A PERMIT AT ALL IF YOU'RE UNDER 12. But you can do some kinds of work--like lawnmowing and babysitting--that don't require a permit. If you're over 12 and under 18 you can get a permit to work on days of the week when there is no school or when school is closed for vacation. If you are over 14 and have completed seventh grade, you can also get a permit to work after school, as well as on those days when school is not in session. And if you are over 14 and under 17 you may get a work permit if you are enrolled in your school's vocational training course. (Education Code 12768-12770).

How many hours can you work? You may not work for more than four hours on any school day. And you may not work more than eight hours on any other day. Nor may you work more than forty-eight hours a week. (Education Code 12774; Labor Code 1391).

Work Permits

IT'S NOT HARD TO GET A WORK PERMIT once you find a part-time job. Go to your school work permit office and ask for a "notification of employment" form. Take the form to your boss and ask him to fill it out and send it back to the

work permit office. The form lists your name, address, phone number and social security number, the kind of work you will be doing, and the maximum number of hours per day and per week you will be expected to work. Both you and your parents must sign the form before it is returned to the work permit office. (Education Code 12787, 12788).

Employers of minors must keep their juvenile employees' work permits on file at all times. These records are open to inspection by school authorities and probation officers. School authorities may revoke a work permit if they believe that the job is harming the minor's health or interfering with his education, or if the employer is violating the conditions of employment. (Education Code 12789; Labor Code 1299).

Full-Time Work

SOMETIMES A STUDENT CAN'T STAY IN SCHOOL long enough to graduate. He may be forced to leave school and go to work full-time to support himself and his family. A minor will be allowed to work full-time if: he has completed elementary school; he is over 14 but under 16; his parents sign a paper saying that he must work to help support the family. A full-time work permit is issued to a minor only when his family cannot find any other source of income. School authorities must be certain that the case is one of real hardship.

If a minor is older--16 or 17--he may work full-time if he has already graduated from high school or if he is going to continuation classes. In that case his parents don't have to sign for him. (Education Code 12776, 12776.1, 12779).

Work Restrictions

WILL YOU BE ALLOWED TO WORK AT ANY JOB YOU CAN FIND? No; some jobs are against the law for minors because they might be dangerous to their physical or moral health.

For example, if you're under 16, you can't work in a factory, or on a railroad, or on some kinds of boats, or around dangerous chemicals, dusts, or gases. And you can't work on scaffolding--high ladders and boards like painters use--or in mines, bowling alleys, or pool halls.

May you drive a car or truck as a main part of your job? Not if you're under 18. And you can't work in a bar. A girl under 18 or a boy under 16 may not work as a messenger for a telephone, telegraph, or messenger service. A girl under 18 can't work at sidewalk jobs, such as shining shoes or selling flowers at a stand. But these jobs are allowed for boys over 10. (Labor Code 1290, 1294, 1298, 1308; Vehicle Code 12515; Business & Professions Code 25663).

Work restrictions based on sex--for example, the law which says that a girl must be 18 to work at a sidewalk stand but a boy only 10--are currently being challenged by a number of lawsuits. The people who oppose these laws believe they are unfair because they promote sex discrimination. Watch to see if these laws are changed in the near future.

MINIMUM WAGES

HOW MUCH SHOULD YOU BE PAID? If you are under 18, the current minimum wage is $1.70 per hour. However, babysitting and working for your parents, if your parents employ only family members, are two jobs which are not covered by the minimum wage law.

If you work as a waiter or waitress, you must be paid the minimum $1.70 per hour. But your employer may count the tips you receive as part of your minimum wage. That is, if you receive more than $20.00 per month in tips, your employer may count the tips as 25¢ an hour of your wage. In this case, you would make $1.45 per hour plus tips.

CONTRACTS

WHAT IS A CONTRACT? You make contracts and agreements every day--and usually don't even know you're doing it. A contract is a set of promises between two or more people to do or not to do something. Contracts can be enforced in a court of law. (Civil Code 1549, 1550).

Not all promises are legal contracts. You tell Charlie you'll meet him after school for a coke. He says fine, he'll see you then. Later Charlie doesn't show up. A contract? No, this isn't the kind of promise the law will order carried out.

But you make legal contracts often. You buy a cheeseburger at The Hut. It turns out to be contaminated and makes you ill. Where does the contract come in? You offered to buy, and The Hut sold you, a cheeseburger. No one mentioned it at the time, but the law added something to your agreement. It added the provision that The Hut would sell you a *wholesome* cheeseburger. Since the cheeseburger made you ill, The Hut broke its unspoken contract with you. You have a right to damages.

You buy a stereo receiver. When you get it home, it won't work. California law says that anything sold must be reasonably fit for the purpose for which you buy it. Was your stereo fit for the purpose of listening? Plainly not. Because of the implied warranty, the seller will have to "make good" on the deal--that is, he'll have to repair or replace the receiver, or refund your money.

Who Can Make Contracts?

CAN YOU MAKE A CONTRACT? You may if you are 18 or older. If you are under 18, you may also make contracts--but with a number of restrictions. For instance, you may not make contracts about real property--houses, lots, or land. You can't make contracts about personal property--all other property--that is not in your personal possession or control. And you can't let an older person, say your father or mother or an attorney, make these kinds of contracts for you. So any agreement you might make to buy a house or to sell your father's golf clubs is no good. (Civil Code 33).

You can, even if you are under 18, make any other kind of contract. For example, you can sell your own bicycle or your own golf clubs. You can borrow money. You can buy a car or an engagement ring for your girlfriend on the installment plan. However, businessmen won't usually make these kinds of contracts with minors. The reason? Because if you are under 18 you can "disaffirm" the contract. This means that while you are still a minor and for a reasonable time after you become 18, you may call off the contract if you give back what you were buying or return the money if you were selling something. For example, you buy a set of stereo speakers and make four or five payments on them. As a minor you can return the speakers to the store and stop making payments; the store owner has no way of

making you pay the balance due. Therefore, most store owners won't extend credit to you. (Civil Code 34, 35).

If you are under 18 and living away from home, you may contract for the necessities of life, such as an apartment, groceries or clothing, and medical care. These contracts are binding on you--that is, you must pay your rent or your doctor's bill--just as if you were an adult. You do not have the right to disaffirm or call off contracts for necessities of life once these goods and services have been provided to you. (Civil Code 36).

CONTRACT LIABILITY

YOUR PARENTS ARE USUALLY NOT LIABLE for contracts you make as a minor. Your parents would be responsible, however, if they co-signed with you on a contract, or if they entered into a contract for you. A parent may also have to pay on a minor's contract for the necessities of life if the minor is unable to pay for them. Married minors have the same rights to make contracts as adults do. (Civil Code 25, 34, 207).

CREDIT

ALTHOUGH BUSINESSMEN GENERALLY WON'T LET MINORS buy on the installment plan, young people are allowed to use the family charge account. So buying on time is something you should know about. Buying on time allows people and businesses to get things they need right away and pay for them later. It costs people and businesses a little more this way in interest and carrying charges. And buying on time may let them buy things they really can't afford.

Harold Buyer tells himself, "This new television I've always wanted will only cost me $9 a month." But he forgets the other things he has to pay for, too. Maybe $60 on the car, another $30 for insurance, $25 on the clothes he bought last month, and a few other items which may total another $30. That's $154 a month right there. Of course he knows he has gasoline to pay for, too, and rent, food, cleaning, and entertainment. But Harold thinks he can afford to make the payments. That is, unless something happens. Like a strike--and his salary stops. Or perhaps he or his wife or child gets sick, and suddenly he owes several hundred dollars over what his health insurance covers. Now he's behind in his time payments, and suddenly everybody is demanding money he doesn't have. If Harold misses his payments, he'll lose the car and television.

Lawmakers know that some people like Harold Buyer won't be able to pay off their purchases. So the law makes sure that the seller is protected by special provisions included in time-payment contracts. For example, the buyer agrees:

> *--Not only to pay the price of the article, but also to pay interest on the price up to 18 percent a year.*

--To pay attorneys' fees and court costs if he doesn't make the payments and the seller has to sue him. On a thousand dollar balance, these costs might be $250.

--Not to sell the property to anyone else until he has paid for it fully.

--To pay late charges, credit investigation charges, and collection charges if necessary. (Civil Code 1810.1-1810.9).

TORTS AND LIABILITY

WHAT IS A TORT? You commit a tort when you injure another person or damage his property. The injury is a tort whether it happens on purpose or by accident. When you commit a tort, the law may say that you are liable--that is, you must pay for the damages you do. Sometimes a tort is a crime, too.

California law says that everyone is civilly liable. That means that you may be sued for damages if you commit a tort--no matter how old you are. If the court rules that you owe money damages to the person you injured, the court's order is good for several years and may be renewed at the end of that time. So if you cannot pay the judgment right away, you may be forced to pay it in the future. (Civil Code 41).

Suppose 16-year-old Darrin accidentally injured another boy while riding down the sidewalk on his skateboard. Darrin had never done such a thing before, and he felt very badly about Michael's broken arm. Who was responsible for Michael's injury? Darrin, certainly. His parents? No. The rule is that parents are not responsible for their children's wrongful acts with certain exceptions:

1. If you are living with your parents, they are supposed to control you. If you deliberately commit a tort, they are responsible for damages up to $2,000.

2. If your parents know you have some dangerous habits and if they are careless because they didn't stop you from committing a tort, they may be sued for any amount of money--not just $2,000.

   Take the case of Johnny Elkins. Johnny was 12-years-old and something of a show-off. He was a daredevil bicycle rider and loved to zip on and off the sidewalk, bearing down on children walking by and veering aside at the very last moment. The parents of the children Johnny frightened complained to Mr. and Mrs. Elkins time and time again. Johnny's parents told him to stop terrorizing the neighborhood children. He promised he would and promptly forgot his promises. When his parents threatened to take his bike away, he agreed to ride more carefully. This time he was good for three days and then he began again.

Inevitably Johnny miscalculated. Thinking of himself as Sir Gawain with his lance aimed at the villainous enemy, he charged down on his bike at 8-year-old Linda Wayman. This time he didn't veer in time and he hit her at full speed. The little girl was badly injured.

Later when she recovered, Linda's parents sued both Johnny and his parents for the injury. The Waymans claimed that Johnny was liable because he negligently ran down their daughter. They also claimed that Johnny's parents had failed to supervise and discipline him properly and so allowed the accident to happen.

The court had no difficulty in finding that Johnny was negligent and liable for money damages. But the court had to consider carefully the question of his parents' liability for their son's act. Usually parents are not responsible when their children commit torts. But in this case the Elkins knew about Johnny's dangerous behavior. And while they had warned him and threatened to take away his bicycle, they did let him continue to use the bike when he clearly wasn't responsible enough to ride safely. The Elkins, the court ruled, were liable for the damages Johnny caused.

3. If you injure someone while on family business, your parents are responsible. Mom sends Georgie to the store for a dozen eggs. On the way Georgie picks a fight with another boy and breaks his nose. Mom has to pay for the boy's injuries because Georgie committed a tort while he was doing something for her. He was her agent--in a sense her "employee." When children are acting for their parents, the parents must pay for whatever wrongdoing occurs in the "course of their employment."

4. If you cause an accident while driving a car, your parents are liable. Parents who allow their minor child to drive the family car must be sure the child is both responsible and well-qualified to drive. The idea here is that an automobile is a dangerous instrument. If a person lends his car, he'd better be sure the borrower is a good driver. Otherwise he may be contributing to any accident that occurs because of the borrower's fault.

   In California if your parents sign for your driver's license and you have an accident while driving a car, they are responsible for up to $15,000 for each person who is injured or killed, $30,000 for two or more injured or killed, or $5,000 for property damages. (Civil Code 1714, 1714.1; Education Code 10606; Vehicle Code 17707-17709).

AUTOMOBILE LAW

MOTOR VEHICLES

ANY "SELF PROPELLED" VEHICLE IS A MOTOR VEHICLE. This means that scooters, mini-bikes, go-carts, and motor driven bicycles--as well as cars, trucks, and buses--are motor vehicles. (Vehicle Code 415).

You may not drive any motor vehicle in the alley or street unless it is registered by the Department of Motor Vehicles. Before a vehicle may be registered, it must have certain safety equipment, such as brakes, lights, fenders, windshields and wipers, etc. Because of this, most go-carts and mini-bikes are not registered and may not be driven on public roads. And even if your vehicle is registered, you must have a driver's license to drive it on public roadways. (Vehicle Code 4000(a), 12500(a)).

Certain important rules govern your use of a motor vehicle. For example, you should be very careful about lending your car to anyone or about borrowing theirs. If your friend should have an accident while driving your car because of his negligence, you would both be responsible. You could be sued. If you borrow a car, you have no way of knowing whether it is insured, whether it is stolen, or whether it is dangerous because there is something mechanically wrong with it. (Vehicle Code 17151, 17154).

You may never drive your car faster than is safe for conditions. This "basic speed law" means that no matter what the posted speed limit, you may only drive as fast as is safe. For example, 25 miles-an-hour may be a dangerous speed because of slippery roads, fog, pedestrians, or heavy traffic. In this case you could get a ticket for doing 25 even though the sign says it's all right. (Vehicle Code 22349, 22350, 22352).

If you have an accident while driving, stop your car immediately, give first aid, and call an ambulance if necessary. Exchange information with the driver of the other car--usually your name, address, type of car, license number, name of insurance company. It is always a good idea to call the police because damages that seem very small at the time may later turn out to be serious. If anyone was hurt in the accident, you *must* report this to the police within twenty-four hours. (Vehicle Code 20001, 20002a, 20003, 20008).

If you run into a parked car or damage other property, try to find the owner. If you can't, leave a note where it may easily be seen. The note should have your name and address and should tell what happened. Never leave the scene of the accident until you do this, even if the damage seems very small. "Hit and run" is a serious crime. (Vehicle Code 20002).

LICENSES

AS WE MENTIONED, ALL CALIFORNIA DRIVERS MUST be licensed by the state. If you are 15, you may apply for a student license. This will permit you to drive during the driver education class at school--but at no other time. You may apply for a learner's permit when you are 15½--provided you have passed your high school driver training program first. If you haven't taken this program, you must be 17½ before applying for a permit. A learner's permit is a special driver's license that allows you to learn to drive through practice. But you must always be accompanied by a licensed California driver who is over 18. (Vehicle Code 12507, 12509, 12650).

In order to get a learner's permit, you must have your parents' consent. You must pass an eye examination and a written test on traffic laws and road signs. You must show proof of your age and prove that you can read simple English. Then, after paying a small fee, you will be given a permit. (Vehicle Code 12509).

Occasionally a minor who is 14-years-old has a very important reason for being allowed to drive a car. Perhaps he has to work to help support his family, and there are no buses or other transportation to take him to his job. In such a case, the Department of Motor Vehicles may give a minor a junior permit to enable him to drive to work. (Vehicle Code 12513).

When you are 16, you may apply for a regular driver's license. You must, of course, pass a driving test. And you must complete a driver training program if you are under the age of 18. Finally, you must have your parents' consent. (Vehicle Code 12507, 12804, 17701).

By signing your license, your parents declare themselves financially responsible if you have an accident. Their responsibility is limited to a certain amount of money. But an injured person could sue you--even though you are a minor--for any amount he wishes. And if your insurance doesn't cover all the damages, the injured person could collect from you later when you begin to work and earn money of your own. Your parents also have the right to withdraw their permission for you to drive. They may do this by signing another paper at the Department of Motor Vehicles. (Vehicle Code 17707-17709).

Finally, you must take a special examination to drive a motorcycle. If you pass, the Department of Motor Vehicles will mark your license to show that it covers motorcycles. (Vehicle Code 12509, 12804).

LOSING YOUR LICENSE

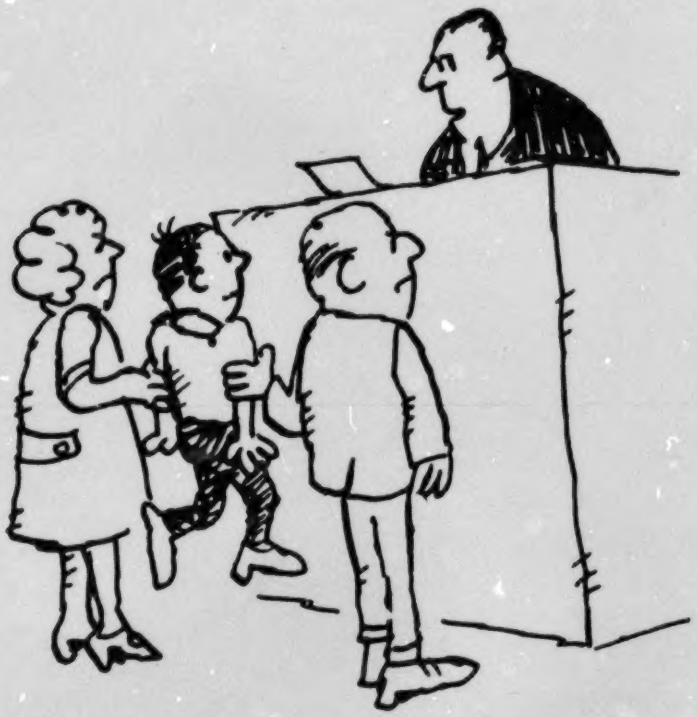
TO HAVE A DRIVER'S LICENSE IS A PRIVILEGE--not a right. If you abuse the privilege, the Department of Motor Vehicles may revoke your license. This means that you will not be permitted to drive a car for a long time. If ever.

Your license may be revoked if you change the age that is stated on it; and if you lie about your age when you fill out the license application, the Department of Motor Vehicles may decide not to give you a license at all. (Vehicle Code 12809(d), 14610(a)).

Your license may also be revoked if you loan it to a friend. Your friend might get a ticket while driving with your license. If so, you would have to explain how he came to have it. In this case both your license and his might be revoked. (Vehicle Code 14610(b), 14610(c)).

If you drive without a license, you will be sent to juvenile traffic court and the hearing officer there may send you to the regular juvenile court. In addition, the Department of Motor Vehicles may not let you have a license later when you are otherwise qualified to drive. (Vehicle Code 12500).

JUVENILE TRAFFIC COURT



SONNY DUGGAN IS 17. Officer David Sharpe gave him a traffic ticket for going 40 miles-an-hour in a 25 mile-an-hour zone. And Officer Sharpe told Sonny he would have to appear in juvenile traffic court with his parents or guardian. The juvenile traffic court is part of the juvenile court. A traffic hearing officer hears cases in which a minor is charged with a traffic violation. (Welfare &

Institutions Code 561-563).

In our example, Sonny denies he was speeding. He says Officer Sharpe's speedometer must have been off. The traffic hearing officer will arrange a contested hearing for Sonny. He will listen to both Sonny and Officer Sharpe. He may also hear witnesses who were present at the time of the incident. Then the hearing officer will decide whether or not Sonny is guilty.

If Sonny had not contested the ticket--that is, if he had admitted he was speeding--he would have had a private hearing with only his parents and the hearing officer present. Other procedures would have been the same. In either case there is no charge for a juvenile traffic hearing. But if the juvenile wishes to be represented by an attorney, he must pay the fee.

If the hearing officer finds Sonny guilty of a motor vehicle violation, he may simply reprimand Sonny. Or he may suspend or restrict his driver's license. He may send Sonny to a traffic school to improve his driving skills. He may fine the youth. He may order him to work in a city or county park. Or he may refer Sonny's case to the probation department of the juvenile court. (Welfare & Institutions Code 564).

Since Sonny's ticket resulted from a motor vehicle violation--and not simply from a bicycle or pedestrian offense--the juvenile traffic court must send a notice of his ticket to the Department of Motor Vehicles in Sacramento. Sonny's violation will be on public record, and it will not be destroyed when Sonny reaches 18. Employers, colleges, the armed services and credit bureaus sometimes refer to driving records because they believe these records show how responsible a person is. Insurance companies often raise their rates because of tickets and accidents. (Vehicle Code 1816).

HITCHHIKING

HITCHHIKING IS ASKING THE DRIVER of a motor vehicle for a ride. It is hitchhiking whether you use your thumb, knock on car windows, or simply ask the driver to pick you up.

You may never hitchhike on the "roadway." In most cities this means you must have both feet on the curb. If there is no curb, stand well back off the shoulder. (Vehicle Code 21957).

In many parts of the state you may not walk or hitchhike on the freeway unless your car breaks down and it is an emergency. Ramps are "on" the freeway.

Common sense says you shouldn't hitchhike unless you know the driver of the car and you are absolutely sure it is safe.

CRIMES

WHAT IS A CRIME? A crime is something you do or fail to do which violates or breaks a law. (Penal Code 15).

What happens to an adult who commits a crime? An adult may be punished by: (1) disqualification for office--he could not hold certain public offices; (2) loss of office--he could be fired from public office; (3) a fine; (4) a county jail or state prison sentence; or (5) death.

What happens if, as a minor, you break a law? If a policeman picks you up because he believes you did something wrong, he may: (1) talk to you and then release you to your parents; (2) place you under informal police supervision--for example, have you take part in a police youth program; (3) cite you to appear before a probation officer at a later date; or (4) take you directly to a probation officer and ask that you be held in custody at juvenile hall until the juvenile court can hear your case. (Welfare & Institutions Code 626).

What should you do if you are stopped by a policeman? If a policeman stops and questions you, he may first tell you that you have certain rights, or he may question you informally without mentioning your rights. You should cooperate with the police, but you should not, without first talking with a lawyer, give up any of your rights. These rights include: (1) the right to remain silent at the time the policeman stops you and later; (2) the right to be warned that anything you say could and would be used against you in court; and (3) the right to be told that you can have an attorney with you during any questioning and that if you can't afford an attorney, the judge will appoint one to represent you. Even if the policeman doesn't tell you about your rights, you may still have to go to court. In this case, what you told him without knowing about your right to remain silent cannot be used against you. But if there is enough other evidence without your statement, the judge could still find you guilty.

"YOUTH" CRIMES

IGNORANCE OF THE LAW IS NO EXCUSE FOR WRONGDOING. The following crimes often involve minors and you should be aware that these acts are illegal:

1. *Vandalism --deliberately injuring or destroying property that is not your own is against the law.* (Penal Code 594).

2. *Fighting--it is against the law to hurt or try to hurt someone else by "force and violence," throwing chemicals, or by using a "deadly weapon" or any other tool or instrument that might hurt a person. While you should always try to avoid a fight if possible, you may use reasonable force--whatever will hurt the other person as little as possible while still protecting yourself--if it is necessary in self-defense or to defend others.* (Penal Code 240-245).

3. *Joy Riding--you may not take a car, bicycle, boat, or other vehicle without the owner's permission.* (Penal Code 499b).

4. *Lost Property--you may not keep lost property without trying to find its owner, whenever you can do so.* (Penal Code 485).

5. *Stolen Property--you may not buy or accept property if you know it has been stolen.* (Penal Code 496).

6. *Fighting in a Public Place--it is illegal to disturb the peace by making loud noises, fighting or threatening to fight, shooting a gun, or using offensive language if it is likely to cause a violent reaction.* (Penal Code 415).

7. *Refusing to Disperse--you must break up when a policeman tells you to, if you are in a group--two or more people--or gang that is disturbing the peace.* (Penal Code 409, 416).

8. *Setting Fires--it is illegal to set fire to a building or another person's personal property.* (Penal Code 447a, 449a).

9. *Cruelty to Animals--you may not abandon, be cruel to, or take improper care of an animal.* (Penal Code 597a, 597f).

10. *Littering--it is against the law to throw or put anything on a roadway that might damage a car, person, or animal; to throw anything burning on a roadway; to litter; or to destroy highway signs.* (Penal Code 588a, 588b, 590; Vehicle Code 23111).

11. *Sexual Relations--it is illegal to have sexual relations with a person under 18 even if the person is willing, or with a person over 18 if the person is forced.* (Penal Code 261, 261.5).

12. *Weapons--you may not throw things or shoot a weapon at buses, trucks, trains or cars.* (Penal Code 218; Vehicle Code 23110).

13. *Slugs--you may not use any kind of slug--false or imitation coin--in a vending machine, slot machine, or telephone; and you may not make or sell slugs.* (Penal Code 640a, 648a).

14. *Contributing to Delinquency--it is against the law for anyone to persuade a minor to break the law.* (Penal Code 272).

ALCOHOL, DRUGS, AND NARCOTICS

ALCOHOL

THERE'S NO LAW THAT SAYS A MINOR can't drink alcoholic beverages in his home, if his parents approve. But there are laws in California prohibiting anyone under the age of 21 from buying or drinking alcohol in a bar. If you are a minor, you may not buy alcohol in a store, either. A storekeeper is allowed to demand proof of your age and if you have none, he may refuse to sell to you. If you buy or drink alcoholic beverages, you may be fined $100 or more or be sent to juvenile hall. (Business & Professions Code 25658(b), 25659).

It is also illegal for you to have alcoholic beverages with you on the street or in any public place. One exception: you may deliver a bottle if instructed to do so by your parents or an employer. California law prohibits you from having an open or closed bottle of alcohol or can of beer in your car, whether or not you are drinking. You may not drink while driving, or drive under the influence of alcohol. And you may not have alcoholic beverages on the school grounds. (Business & Professions Code 25608, 25662; Vehicle Code 23101, 23102, 23121-23123.5).

If you are under 21, can you work in a bar--even though you are only serving alcohol and not drinking yourself? No, California law prohibits you from working in a bar or other place where the main business is selling alcoholic drinks. You may not even enter such a place unless you have a definite and lawful reason for being there. (Business & Professions Code 25663, 25665).

DRUGS AND NARCOTICS

IN ADDITION TO these restrictions on the use of alcohol, California lawmakers have passed a number of statutes concerning dangerous restricted drugs and narcotics. A dangerous restricted drug is any kind of drug, chemical, or medicine that is unsafe for a person to give to himself or others. Restricted drugs include barbiturates, amphetamines, LSD, DMT, STP, and others. A group of particularly dangerous drugs is called narcotics. This group consists of such drugs as heroin, opium, and morphine.

Lawmakers feel that offenses involving drugs and narcotics should be treated more severely than those involving alcohol. So they have set up strong penalties, depending on the nature of the offense. The chart on the next page lists possible drug offenses, the code sections in which they are described, and their penalties. The penalties apply to convicted adults--anyone 18-years-old or older. Minors generally have hearings in juvenile court and are treated differently from adults. But juveniles between the ages of 16 and 18 may, under certain conditions, have their cases transferred to adult court. The juveniles would then receive adult penalties--in this case, the very serious punishments connected with drug offenses.

The penalties listed in the chart apply when a person violates a drug law for the first time. With most drug offenses, however, the amount of time someone must serve in prison increases greatly if the person has been convicted of a drug offense in the past. For example, if an adult (or a minor being tried in adult court) is convicted of possessing marijuana for the purpose of selling it, his sentence would be two to ten years in prison. A second violation of this law would mean five to fifteen years in prison. And if the person is convicted a third time, his sentence would increase to ten years to life behind bars.

JUVENILE COURT

IF YOU ARE UNDER 18 and get into trouble with the law or have problems with your family, you will be brought before a judge of the juvenile court. The juvenile court is part of the superior court in your county, and it handles cases which involve minors. Sometimes a juvenile who is 16 or older may be tried in an adult court. This will happen only when the authorities feel that the juvenile court can't help the minor.

SECTION 600

THE JUVENILE COURT HAS JURISDICTION or power over persons under 18 who fall into one of three categories. The first category is defined in California's Welfare and Institutions Code section 600; this section says that a minor may be declared a dependent child of the court--placed under the court's care--if:

1. *the minor is in need of proper and effective parental care or control;*

2. *the minor is not provided with a suitable home;*

3. *the minor is physically dangerous to the public because of a mental or physical disorder; or*

4. *the minor's home is unfit by reason of neglect or physical abuse.*

Such a child comes to juvenile court through no fault of his own. The court hearing revolves around the question of a parent or guardian's fitness, not around any wrongdoing by the child.

NARCOTICS AND DRUG LAWS

Offense	Code Section	Penalty for First Offense
POSSESSION OF PARAPHERNALIA (items for injecting or smoking narcotics except marijuana)	H & S 11364	6 mos. jail and/or $500
GLUE SNIFFING	PC 381	6 mos. jail and/or $500
FAKING TO GET PRESCRIPTION, OR ALTERING OR FORGING PRESCRIPTION	H & S 11368	1 yr. jail or 6 yrs. prison
PEYOTE		
Possession	H & S 11350	2-10 yrs. prison
Growing	H & S 11363	1 yr. jail or 1-10 yrs. prison
MARIJUANA		
Possession of one ounce or less*	H & S 11357(b)	$100 fine
Possession of more than one ounce*	H & S 11357(c)	6 mos. jail and/or $500
Growing	H & S 11358	1-10 yrs. prison
Possession for sale	H & S 11359	2-10 yrs. prison
Transporting, importing, selling	H & S 11360(a)	5 yrs.- life prison
Selling or furnishing to minor	H & S 11361	10 yrs.-life prison
Transporting and giving away one ounce or less*	H & S 11360(c)	$100 fine
NARCOTICS (OTHER THAN MARIJUANA)		
To be present where narcotics are being unlawfully used	H & S 11365	6 mos. jail and/or $500
To use or be under the influence of narcotics	H & S 11550	3 mos.-1 yr. jail
Possession	H & S 11350	2-10 yrs. prison
Possession for sale	H & S 11351	5-15 yrs. prison
Transporting, importing, selling	H & S 11352	5 yrs.-life prison
Selling or furnishing to minor	H & S 11353	10 yrs.-life prison
Selling imitation narcotics	H & S 11355	1 yr. jail or 1-10 yrs. prison
RESTRICTED DANGEROUS DRUGS		
Possession	H & S 11377	1 yr. jail or 1-10 yrs. prison
Possession for sale	H & S 11378	2-10 yrs. prison
Transporting, importing, selling	H & S 11379	5 yrs.-life prison
Selling or furnishing to minor	H & S 11380	10 yrs.-life prison
Selling imitation dangerous restricted drugs	H & S 11382	1 yr. jail or 1-5 yrs. prison

*Effective January, 1976.

SECTION 601

A YOUNG PERSON MAY BE DECLARED a ward of the court--subject to court control--if he is:

1. *beyond the control of his parents or guardians; or*

2. *"in danger of leading an idle, dissolute, lewd, or immoral life. . ."*

Section 601 of the Welfare and Institutions Code is often applied when a minor continually runs away from home. But because none of the acts described in the section would be crimes if committed by adults, the statute is often attacked. Critics claim that the behavior described in section 601 isn't clear. They argue that the question of delinquency becomes a matter of definition and degree.

It takes more than one misdeed to establish delinquency. Juvenile courts usually insist upon a course of misconduct--not a single act--before they will declare a minor a ward under this section.

Sections 601.1 and 601.2 also deal with non-criminal behavior problems--for example, a juvenile who is a habitual truant from school. Section 601.1 states that a school attendance review board must consider the juvenile's problems, meet with him and his parents or guardians, and attempt to find available community resources to help him. Only if the board can find no local help can it refer the minor to the juvenile court. After a hearing, the court may then declare him a ward of the court. Section 601.2 states that any parent who does not cooperate with the attendance review board in attempting to help the juvenile may be found guilty of a misdemeanor.

SECTION 602

UNDER SECTION 602 OF THE WELFARE AND INSTITUTIONS CODE, a minor may be declared a ward of the court if he commits an act which would be a crime if committed by an adult.

MINOR'S APPREHENSION

THE JUVENILE COURT PROCESS USUALLY BEGINS when a police officer picks you up. The officer may, without a warrant, take you into temporary custody if he believes that you are a person described in sections 600, 601, 601.1, or 602. Sometimes parents and school authorities report a juvenile to the police or probation authorities. And occasionally a juvenile himself will complain to the authorities about his home or school situation.

After he picks you up, the police officer has several choices. He may question and release you. He may place you in an informal police supervision program where you report to the police department each week or take part in department-organized activities--such as a big brother program or an intramural sports team. The police officer may have you sign a notice to appear before a probation officer at a future date, and then release you. Or the officer may take you immediately to a probation officer who must then investigate your case.

PROBATION DEPARTMENT

SUPPOSE THE POLICE OFFICER DECIDES to take you to a probation officer. The probation officer has a number of choices, too. He may investigate the incident and then decide to release you and take no further action. Or he may place you under probation department supervision. This means that you would receive a probation department hearing--the juvenile court wouldn't be involved. And if your parents agreed, the probation department would supervise you for a time. The probation officer may also require you and your parents to appear at a hearing later. Or he may ask the court to hold you in custody until the hearing. But the probation officer will only ask for detention if he's afraid you might run away before your hearing, or hurt yourself or someone else.

Before you can be held in custody, however, the court must conduct a hearing to find out why the probation officer wants to keep you in juvenile hall. Like all juvenile court proceedings, the detention hearing is conducted by either a juvenile court judge (usually a superior court judge assigned to hear juvenile cases) or a referee (an attorney or experienced probation worker appointed by the court). The judge or referee will make the final decision regarding your detention. If the judge orders it, you may be held in juvenile hall for up to fifteen judicial or working days before your hearing.

Actually very few first-time offenders must have a juvenile hearing. Both the police and probation departments prefer to talk with juveniles and help them find counseling if they have problems.

DETENTION HEARING

IF YOU HAVE A DETENTION HEARING, the court will notify you, your parents and your attorney--if you have one--as to when the hearing will be held. California law allows you to be represented by an attorney during all juvenile proceedings. If you want an attorney and can't afford one, the court must appoint one for you.

Detention hearings are usually brief. The judge explains why you were taken into custody. He describes how the juvenile court works. And he explains your rights. These include the right to an attorney, the right to confront and cross-examine witnesses who testify against you, and the right not to testify if you don't want to.

The probation officer explains why his department wants you to be held in custody until your court hearing. Any witnesses--such as your parents--who believe that you should be released say so at this time. Then the judge decides whether or not you have to stay in juvenile hall until your hearing.

JUVENILE HALL

IF YOU ARE HELD IN CUSTODY, you may live in the county juvenile home for up to fifteen days. You are given a room, usually a tiny cement cubicle fur-

nished with only a bed. During the day you will go to school. The juvenile hall provides teachers and books so that your education won't be interrupted. You may also be allowed to use the hall's recreational facilities, which often include a gym and crafts workshop.

Of course, you must obey many rules while living in the hall. For example, you will be locked in at all times. And you must wear the hall uniform. And you may only have certain visitors--your attorney and family--at specified times.

Adjudicatory Hearing

THE PROBATION OFFICER BEGINS YOUR COURT HEARING--called an adjudicatory hearing--by filing a petition with the court. A petition is a document which says what you are supposed to have done. The purpose of your court hearing is to examine the evidence and find out if you did what the petition claims.

The public is generally not allowed to attend juvenile hearings. Normally the judge or referee will be there, along with you, your parents, your lawyer, the probation officer, the district attorney and the court reporter.

The relationship between the probation officer and district attorney might appear confusing, since their roles seem to overlap. The district attorney must attend the hearing if you are represented by an attorney; otherwise he need not. His main duty is to help the probation officer find and present evidence.

If you have a hearing, you, your parents, and your attorney will all receive a notice telling you when and where to appear. When the hearing begins, the judge will again advise you of your rights: the right to an attorney, the right to present your witnesses and to confront and cross-examine witnesses against you, and the right not to testify against yourself. After that, the clerk reads the petition.

If you admit what the petition says is true, the judge then questions you to make sure you understand the charges against you. But if you deny the charges, it's up to the state--through the district attorney and probation officer--to prove that the statements in the petition are true.

Disposition Hearing

IF THE JUDGE FINDS that the charges against you are not true, then he dismisses the case and releases you.

If the judge finds that the charges are true, then he rules that jurisdiction has been established. That is, he says the juvenile court is responsible for helping you.

The next step is for the judge to decide what the court can do to help you. During this part of the hearing, the judge hears evidence--such as the proba-

tion officer's report about your background and family situation--to help him reach a decision. Sometimes the jurisdictional and dispositional parts of the hearing take place together; the probation officer presents his report as soon as the judge decides you come under the court's jurisdiction. But often in a contested case, the judge will delay the hearing to a later date. He wants to give the probation officer and the attorneys more time to prepare their recommendations on how to help you. In any case, the judge is not allowed to read the probation officer's report about you until he has decided if the charges in your petition are true.

Disposition Alternatives

AFTER THE JUDGE LISTENS TO the probation officer's and your attorney's recommendations for helping you, he must decide what to do for you. Usually if the court declares a minor a dependent child, the judge will try to place the minor in a relative's home or foster home or in a private institution that cares for needy or neglected children.

If the judge finds the minor to be a person described in section 601 or 602, he may place him on probation for up to six months without making him a ward of the court.

Suppose the judge does make you a ward. As often as possible, he will try to leave you in your parents' home under probation department supervision. But he may choose instead to place you in a foster home, a public or private agency, a county ranch or camp, or in the county juvenile home. It is also possible for the judge to send a 602 minor to the California Youth Authority.

Rights after Disposition

SUPPOSE YOU, YOUR PARENTS, OR YOUR ATTORNEY BELIEVE that you didn't get all the rights to which you were entitled. Then you have the right to appeal the judge's decision.

And at any time following the court's decision, your parent or guardian may ask the court for a new hearing to discuss different family circumstances which might lead the court to change its mind about your placement. The probation officer also can ask the court for a new hearing if he feels that you should be removed from your home and sent elsewhere.

Finally, California law further protects the minor who has been in the custody of the juvenile court or the probation department. The law says that your records may be sealed when you reach 18--or five years after the juvenile court's jurisdiction ends--if you haven't been convicted of a serious crime and if there is evidence that you have been rehabilitated. (Statutes relating to the juvenile court are found in the Juvenile Court Law chapter, Welfare & Institutions Code 500-945.)

Sample Lesson

INTRODUCTION

Each teacher who reads this education unit on JUVENILE RIGHTS will probably consider these questions:

--How useful is this material to me and my students?

--How can I incorporate part or all of this material into a current or future study unit?

--How can I present this material to my students in an informative and interesting way?

Individual answers will vary according to the age, grade, and ability level of your students, and according to the courses you teach and the curriculum with which you must work.

The Sample Lesson included with this education unit is just one example of how you might choose to present the material on JUVENILE RIGHTS to your own class. It's only a suggestion; feel free to modify this lesson or substitute one of your own. And if you do teach a lesson on JUVENILE RIGHTS that succeeds with your class, please take the time to write down what you did that worked--a few sentences would be fine--and send the information to Project Benchmark, 2150 Shattuck Avenue, Room 817, Berkeley, California 94704.

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E. PROCEDURES: *This lesson should be presented after the teacher and the class read and discuss the material on juvenile rights in the education unit.*

DAY 1

1. Give each student a copy of the "Procedures Sheet."

2. Go over the "Procedures Sheet" with the students, making sure they understand how the "Juvenile Bill of Rights" convention will be conducted.

3. Have students draw roles by lot. Before class begins you should cut apart the individual roles listed on the "Role Sheets" and place them in a box or bowl for random drawing.

4. Begin the first session of the convention by having each of the students introduce himself in his role to the other student delegates.

5. Have the delegates nominate from among themselves three candidates for the position of chairperson. Ask each of these persons, speaking from his role, to tell the assembled delegates why he or she would make a good chairperson. The delegates should elect the chairperson by majority vote.

6. Remind the students frequently during the first day that they aren't nominating or voting for Jack or Jane but for the delegate from the "Board of Education" or the "Student Rights Committee."

7. Assign each delegate the task of preparing a two-minute speech on his issue to deliver to the convention the following day. Tell the delegates that their speeches should list all of the persuasive reasons they can think of why the convention should adopt their viewpoint. Also ask the delegates to review the list of issues to be considered and to think of at least one other issue that might be added to the list.

DAY 2

1. Have the chairperson call the convention to order.

2. Assign a student--one who isn't playing a delegate role--to be the convention clerk. This person should write out the list of issues to be considered on the blackboard.

3. Tell the assembled delegates that they should take notes on the "pro" and "con" speeches on each issue, as they will later have the opportunity to vote on these issues.

4. Let the chairperson take over at this point, with you standing by as an observer-adviser.

5. The chairperson will go over the list of issues on the board with the delegates. He or she will ask if there are other issues to be added to the list, explaining that up to three additional issues may be considered. If there are more than three, the additional issues will be determined by majority vote by the delegates. The chairperson will assign the "pro" and "con" positions on these issues to students who don't yet have a delegate role. These delegates will give their speeches the following day.

6. The chairperson will explain the two-minute time limit on each speaker and will ask the convention clerk to be the timekeeper. The time limit must be strictly enforced.

7. Following the order in which the issues are listed on the blackboard, the students will make their "pro" and "con" speeches on each issue. For example, the delegate in favor of a student's right to be free from personal searches and locker searches will speak first. The delegate who is opposed to this right will speak next. There should be enough time to air at least six of the twelve original issues during this period.

8. Assign the students who will speak on the additional issues the job of preparing their speeches. Tell the students who have the original issues to begin to think about whether or not they would be willing to compromise on part or all of their issue.

DAY 3

1. Have the chairperson call the convention to order.

2. Again, let the chairperson take over and you serve as an advisor.

3. The "pro" and "con" speeches on the original issues will continue until they are completed.

4. The delegates representing the additional issues will give their "pro" and "con" speeches. They are also limited to two minutes per presentation.

DAY 4

1. Chairperson calls the convention to order. Teacher assumes advisory role.

2. The delegates will have twenty minutes to circulate freely about the convention floor, trying to get enough votes to win approval of their position on their issues. Delegates may bargain: "I'll vote for your issue, if you'll vote for mine." Delegates should also meet with their opponents to see if there is any possibility of presenting a compromise issue to the delegates, instead of two opposing positions. Some may arrive at a compromise measure; others will not.

3. Students vote on each issue in order of presentation during the debate. Students will vote "pro" or "con" on each right; the side with the majority of the votes wins. If the proponent and opponent of a particular issue have arrived at a compromise, they may present it to the delegates instead of the original opposing positions. The compromise will be accepted as the convention position if it is approved by the majority of the delegates.

4. The chairperson goes quickly through the list of adopted positions, telling the delegates it is time to decide which eight positions or rights should be included in the final "Juvenile Bill of Rights."

5. Students should each make a list of the eight rights he would want to include in the final document, numbering them in order of preference.

6. The convention secretary should tally the lists with the help of three or four other delegates.

7. The chairperson should announce to the delegates which eight issues received the highest priority, and therefore will make up the "Juvenile Bill of Rights."

ROLE SHEETS

SEARCH AND SEIZURE - SUSPECTED STUDENT - Your school locker was opened by the principal because he believed you had stored some grass there. You believe that the school has no right to search a student's person or his locker without his permission.

SEARCH AND SEIZURE - SCHOOL PRINCIPAL - You believe that the school stands in the place of the students' parents and that as an administrator, you have the responsibility of seeing that students don't keep or use anything that might be harmful to themselves or others, including drugs, alcohol and weapons. You believe that school authorities have an absolute right to search a student's person or his locker, whether or not he gives his consent.

FREEDOM OF PRESS - NEWSPAPER EDITOR - You believe you have the right to print anything the staff decides to print, unless it is libelous. This includes the right to print editorials and columns critical of the school authorities or of community or national leaders.

FREEDOM OF PRESS - JOURNALISM ADVISOR - You believe that because the school is legally liable for everything printed in the student newspaper, the school should have the right to remove or rewrite student articles prior to publication.

FREEDOM OF SPEECH & ASSEMBLY - PRESIDENT, STUDENT RIGHTS LEAGUE - You believe that students have an unqualified right to free speech so long as it does not interfere with the rights of others. You also believe that students have an unqualified right to assemble peaceably on the school grounds to discuss their views or hear speakers on any issue of student interest.

FREEDOM OF SPEECH & ASSEMBLY - PRESIDENT, PTA - You believe that the students' rights to free speech and peaceable assembly are qualified rights, subject to the prior approval of the school authorities.

BAIL & TRIAL BY JURY - JUVENILE DELINQUENT - You are on probation for shoplifting, and you believe you didn't get a fair hearing from the judge. You believe that you should have been entitled to bail before trial and a trial by jury. You believe all juveniles should have these rights.

BAIL & TRIAL BY JURY - JUVENILE COURT JUDGE - You believe that the function of the juvenile court is to rehabilitate young people who get into trouble with the law. You do not believe minors should be entitled to bail or trial by jury because you think juvenile proceedings should be separate from the adult criminal process.

WAGES - STUDENT WORKER - You are a student who works part-time to save money for college expenses. Your parents are taking your wages out of your savings account to buy themselves a new boat. You believe that you should have an unqualified right to keep your wages to spend as you see fit.

WAGES - PARENT - You believe that because you provide a home and food and clothes for your child, you're entitled to take any money he makes and to use it as you see fit.

CORPORAL PUNISHMENT - ABUSIVE STUDENT - You cussed out a female teacher and got sent to the dean for a paddling. You believe that you have an unqualified right not to be physically punished by teachers or school administrators.

CORPORAL PUNISHMENT - HIGH SCHOOL DEAN - You believe that corporal punishment can be an effective means of discipline and that you have the right to use it as long as you don't physically harm a student.

ALCOHOLIC BEVERAGES - SCHOOL DROPOUT - You've dropped out of school and gone to work. You want to stop off for a beer on the way home at night, but you're not yet 21. You believe that you should have the right to drink at age 18, or earlier if you're working full-time.

ALCOHOLIC BEVERAGES - MINISTER - You believe that drinking alcoholic beverages at any age is immoral. You also believe that no one should be permitted to drink before the age of 21.

GUNS AND WEAPONS - STUDENT SHARPSHOOTER - You're a gun collector and you belong to a shooting club. You believe that with the proper safety knowledge, anyone should be permitted to buy and use a gun, no matter what his age.

GUNS AND WEAPONS - POLICEMAN - You believe that minors should not be allowed to buy or carry weapons of any kind.

DUE PROCESS OF LAW - SUSPENDED STUDENT - You got caught smoking pot in the bathroom and you were suspended for a week. You believe that you should have had a formal hearing before your suspension, and that you should have had the right to confront your accusers, testify on your own behalf, and appeal any decision by your principal to the Board of Education.

DUE PROCESS OF LAW - BOARD OF EDUCATION MEMBER - The school is acting on behalf of the students' parents, and it has the right to suspend a student in order to discipline him without consulting anybody.

CONTRACTS - STUDENT ACTOR - You are an actor in a daytime television series and you go to school on the "lot." You believe that you should have the right to make a contract to buy a house for your parents.

CONTRACTS - BUSINESSMAN - You believe that juveniles should not be allowed to make any kind of contract as long as they have the power to "disaffirm" the contract by changing their minds and cancelling the deal.

DETERMINE CURRICULUM - STUDIOUS STUDENT - You believe that students should have the right to help plan their own curriculum, including the right to decide which courses shall be required for all students.

DETERMINE CURRICULUM - BOARD OF EDUCATION MEMBER - You believe that the curriculum planners and the Board of Education have the right to decide what courses shall be taught and who shall take them. Students are welcome to make suggestions, but they should have no power in making the decisions.

DETERMINE FUTURE - STUDENT ARTIST - You are a talented sculptor and painter. You believe that you should have the right to leave school and go to work once you complete the eighth grade. You believe that all students should have the right to determine their own future.

DETERMINE FUTURE - LEGISLATOR - You believe that kids who don't finish school will earn less money and will be less able to participate effectively in a democracy than those who do. You believe that every child must stay in school until he graduates from high school, barring extreme financial hardship in his family.

PROCEDURES SHEET

"JUVENILE BILL OF RIGHTS" CONVENTION

The framers of the United States Constitution who met in Philadelphia in 1787 represented diverse and opposing viewpoints. Take the matter of executive selection as an example. Some delegates favored a single executive elected for a single term. Others wanted two or more executives elected for a single term. Still others felt that the executive should be appointed for life. Delegates also disagreed about the make-up of the legislative branch of government. Delegates from larger states favored a legislature made up of senators and representatives chosen solely on the basis of population. Delegates from smaller states wanted each state to have equal representation in the legislature, regardless of size. The Constitution as we know it today is a result of a number of compromises on these basic issues.

In 1791, two years after the Constitution was finally ratified by a majority of the states, many of these same delegates met to write the Constitution's first ten amendments, known collectively as the Bill of Rights. These are the amendments which guarantee certain basic rights, such as freedom of speech, press and religion, to all citizens. The men who wrote the Bill of Rights had to decide which rights were important enough to be included in the final document, and they had to decide what form these rights should take. For example, would it be absolutely illegal for the authorities to search a man's house or his papers? Or would such a search be permissible under certain circumstances--say if there was probable cause to believe that the man had committed a crime? Again, it was necessary for those men with "absolutist" views to compromise in order to find a position acceptable to the majority.

Today the California Legislature is considering a bill that seeks to establish a bill of rights for children. This measure would guarantee children many of the rights that adult citizens already enjoy, for example, freedom of speech, press and religion, due process of law, and freedom from unreasonable searches and seizures. The legislators who consider this measure will have to decide which rights should be included and what form these rights should take. For example, if the legislators decide that freedom of the press should be extended to children, they will have to decide if this freedom should be absolute or qualified. Should the student press be able to print whatever it wishes? Or should the school authorities still have some control over the contents of the school paper?

According to California law, you are an "infant," a "child," a "minor," a "juvenile" until you reach the age of 18. Therefore, the rights the lawmakers are considering directly affect you and your future. If you were a lawmaker, which rights would you want to include in your own Bill of Rights and what form should these rights take? You will have the opportunity to decide for yourself during the "Juvenile Bill of Rights" convention. This is how the convention will take place:

DAY 1

1. The teacher will give you a copy of this "Procedures Sheet." Read it over carefully and make sure you understand just what will happen during the convention. Try to ask all your questions before the delegates arrive and the convention begins.

2. You will draw your role by lot. There will be twenty-four roles in the hat, but don't worry if you don't get one. Additional roles will be added on the second day of the convention, so you will have a chance to participate. Some of you will play students your own age; others will play administrators, teachers, a minister, a policeman, a legislator. Once you know what your role will be, start getting into character right away. Think about how your character would dress, how he would talk, and what he would say.

3. Be prepared to introduce your character to the other delegates present at the convention. For example, you might say, "I'm the Reverend Harold Cooke and I'm here to talk to you about youth and alcohol." You won't want to go into whether you're for or against your "right" just now. You simply want to let the other delegates know who you are and what you represent, and you'll want to find out what roles the other students will play.

4. With the teacher temporarily directing activities, you'll nominate three delegates for the position of chairperson. Each of these nominees will speak for a minute or two, telling you why he or she would make a good chairperson. You want to elect the delegate--not the student--whom you believe would be fair, objective and well-organized. The chairperson may be a student delegate or an adult; it's up to you to decide who would do the best job.

5. Before class the next day you should prepare a two-minute speech on your issue to present to the delegates. You will want to think of all the persuasive reasons you can why the delegates should vote to lower the drinking age to 18, or why they should permit a free student press, or why they should allow students to leave school anytime after finishing junior high school, or why they should agree to whatever your issue may be. If you need help thinking of reasons, look over the material in the "Juvenile Rights" booklet, talk with your parents or older sisters and brothers. You might even want to talk to your school's newspaper editor or an administrator or a policeman or whoever plays your role in real life. If it's okay with your teacher, you can dress for your part and bring along banners, posters, and whatever props will help you with your presentation.

DAY 2

1. The chairperson calls the convention to order.

2. The chairperson assigns a student who doesn't yet have a role to be the convention clerk. This person will write the list of issues to be considered on the blackboard. He or she will assist the chairperson in taking and recording

the vote on the various issues.

3. The chairperson and the teacher will remind the assembled delegates that they should listen carefully to the "pro" and "con" arguments on each issue. Remind the delegates they will later have the chance to vote on each issue; so they might want to take notes as they go along.

4. The chairperson will ask the delegates if they think there are other issues besides the ones already on the floor that should be considered during the convention. Up to three additional issues suggested by the delegates may be considered. If more than three issues are suggested by the delegates, the ones to be considered will be decided by majority vote. The chairperson will then assign the "pro" and "con" positions on these issues to those students who don't yet have roles as delegates. These delegates will present their speeches the following day.

5. The chairperson will explain that the two-minute time limit on each speaker must be enforced. He or she will ask the convention clerk to be the timekeeper.

6. Following the order in which the issues are listed on the blackboard, the students will make their "pro" and "con" speeches. For example, the delegate in favor of the student's right to be free from personal searches will speak first. There should be enough time to cover at least six of the twelve original issues during this period.

7. After class the students who are assigned the additional issues will prepare their speeches for the following day. Those students who have already prepared their speeches will begin to think about whether or not they are willing to compromise on their issue, and just how they might arrive at a compromise with the opposition.

DAY 3

1. The chairperson calls the convention to order.

2. "Pro" and "con" speeches on the issues continue until all the issues have been covered.

3. The delegates representing the additional issues will give their "pro" and "con" speeches. They are also limited to two minutes per presentation.

4. After class think about which of the many issues you are considering are the most important. If your Bill of Rights can only contain eight freedoms, which ones should they be?

DAY 4

1. Chairperson calls the convention to order.

2. The delegates will have twenty minutes to circulate freely about the convention floor, trying to see if there are enough votes to win approval of their position on the issues. You may bargain: "I'll vote for your issue, if you'll vote for mine." You should also meet with your opponent to see if there is any possibility of presenting a compromise issue to the delegates, instead of two opposing positions. Some of you may arrive at a compromise measure; others may not. But remember, you will have a better chance of getting a compromise measure into the final Bill of Rights than you will a position solidly for or against a certain issue.

3. The delegates vote on each issue in order of presentation during the debate. You will vote "for" or "against" each right; the side with the majority vote wins. The chairperson, also being a delegate, may vote. If the proponent and opponent of an issue have been able to arrive at a compromise, they may present it to the delegates instead of the original "pro" and "con" positions. The compromise will be accepted as the convention position if it is approved by a majority of the delegates.

4. The chairperson will quickly review the list of adopted positions, telling the delegates it is time to decide which eight positions or rights will be included in the final "Juvenile Bill of Rights."

5. Each delegate should make a list of the eight rights he would want to include in the final document, numbering them in order of preference. If there is time, students should speak out on why they feel a certain right should or should not be included.

6. The convention clerk should tally the lists with the help of three or four of the delegates.

7. The chairperson should announce to the delegates which eight issues received the highest priority, and therefore will make up the "Juvenile Bill of Rights."